

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Thursday, June 16, 2022 - 12:00 to 2:00 p.m.

Attended				Not Present
Judge Keith Kelly	TantaLisa Clayton	Nan Mendenhall	Holly Thorson	Shane Bahr
Judge James Brady	Katie Cox	Andrew Riggle	James Toledo	Rob Denton
Judge David Connors	Rob Ence	Danaka Robles	Michelle Wilkes	Wendy Fayles
Sarah Box	Xia Erickson	Keri Sargent	Guests:	Michelle Miranda
Deborah Brown	Leslie Francis	Shonna Thomas	Eve Larsen	Alan Ormsby
Brant Christiansen	Nels Holmgren	Katie Thomson	Taylor Weber	Todd Weiler
				Kaye Lynn Wootton

Agenda			
Topic	Presenter	Materials	
12:00 Meeting begins			
<ul style="list-style-type: none"> Housekeeping – welcome, minutes 	Judge Kelly		<ul style="list-style-type: none"> WINGS Minutes (April 2022 – draft)
12:10 Stakeholder Updates			
<ul style="list-style-type: none"> GRAMP <ul style="list-style-type: none"> Court Visitor Program recruitment Probate subcommittee update <ul style="list-style-type: none"> Rule 6-501 Rule 6-507 Other <ul style="list-style-type: none"> Rules 1-205 and 3-421 	Stakeholders		
12:45 New & Ongoing Projects			
<ul style="list-style-type: none"> Utah Code 75-5-301.5 (HB 320 – Guardianship Bill of Rights) 	Group Discussion		<ol style="list-style-type: none"> Motion to Review, Remove, or Terminate a Guardian or Conservator <ol style="list-style-type: none"> Motion to Review a Guardianship or Conservatorship (WINGS draft) Motion to Terminate a Guardianship or Conservatorship (WINGS draft) Motion to Change Accounting Report Requirements (WINGS draft) Financial Accounting Report (current) <ol style="list-style-type: none"> Financial Accounting (WINGS draft) Financial Accounting – Instructions (WINGS draft)
<ul style="list-style-type: none"> Utah Code 75-5-303 	Group Discussion		<ul style="list-style-type: none"> Utah Code 75-5-303 (to discuss)
1:45 Other Business			
<ul style="list-style-type: none"> GSP candidate for the “Sandbox”? 	Shonna Thomas		
<ul style="list-style-type: none"> Guardianship for school purposes 	Shonna Thomas		
2:00 Meeting adjourned			

Housekeeping

- Meeting began at 12:07pm.
- A motion was made to approve the minutes from the previous meeting (April 2022). The motion was seconded and approved.
- Meeting adjourned at 2:00pm.

Stakeholder Updates

GRAMP

- Court Visitor Program recruitment –
 - The Court Visitor Program (CVP) has started recruiting new volunteers.
 - The CVP is primarily using various online resources for outreach, although they participated in the court’s Pride festival booth and plan to attend other events in the future.
 - The Office of Fairness and Accountability has been helpful in finding events and venues for recruitment.
 - The CVP is looking forward to trying something new, by recruiting 2-person teams. The program also plans to reach out to universities to recruit student volunteers.
 - The CVP has digital brochures and flyers to share if WINGS stakeholders know of any outreach opportunities.

Discussion

- The CVP may want to consider reaching out to the Bar for recruitment opportunities.
- The Utah Commission on Aging website has a new volunteer and employment opportunities portal that could be useful for the CVP.
- The College of Social Work at the University of Utah may be a good contact to reach out to for volunteers.
- Another option for outreach would be professional membership organizations.

Probate subcommittee

- Rule 6-501 –
 - The rule changes are currently out for public comment. The comment period ends on July 15th, at which point the rule will again be reviewed by the Policy and Planning committee.
 - Judge Kelly and Katie Thomson have been working to educate judges in the 3rd district on the changes to the rule. They created a document for judges explaining why reports are reviewed by judges, as opposed to judicial support staff. Not many have been sent to judges, as the amended rule has not yet been approved. The few that were given to judges seemed to spark some confusion.
 - Shonna Thomas and Keri Sargent met with the Clerks of Court to get their feedback on how to handle the Report Review coversheet. The Clerks indicated that an internal process for handling the coversheet would make the most sense, in which the judicial support staff would hold the report and coversheet for the 28-day objection period, before sending it to the judge for review. Additionally, the Clerks unanimously supported changing the coversheet title to a proposed order.

Discussion

- Question asked - Is there a reason to set a hearing if an objection is made, if the parties will be sent to mediation regardless?

A hearing before mediation can be more efficient in answering many of the questions pro se parties have in these instances. It also allows the court to pass out the mediation packet materials to parties at that time.

- In 1st district, Judge Maynard would be a good resource to contact. His assistant does an initial scan of the report for potential “red flag” issues (e.g., late report, matching dollar amounts). This highlights for the judge any problems with the report, which the judge can then use to help educate a pro se guardian/conservator.
 - 2nd district has used a similar process for annual report reviews. A single probate clerk reviews all the reports initially, attaches the coversheet, and sends the reports to the individual judges for review. Judges can ask for a hearing to be set if/when there are issues or questions about the report’s contents.
 - 4th district follows the same general process as 1st and 2nd districts, except they have an assigned judge who is assigned to all guardianship and conservatorship matters. The assigned judge does an initial screening of all cases that come in. If the case is contested, it will be assigned to another judge. The same applies to report reviews. The assigned judge reviews all annual reports, and individual judges may only get reports if the assigned judge determines it needs to be assigned out.
 - Because of the volume of cases handled by the 3rd district, it is likely that annual reports and the coversheet would be given to individual assigned judges, rather than the probate judge in that district.
 - A checklist could be created for JAs, for a preliminary scan, as well as possible red flags for the judge’s review.
- Rule 6-507 –
 - This rule has not yet gone through the comment period. It was decided by the Probate subcommittee to focus first on finishing up Rule 6-501.

Other

- Rules 1-205 and 3-421
 - Rule 2-205 went into effect in May. Rule 3-421 will go into effect on November 1st. It is unclear why the start dates were split. However, both have been approved and will be in effect by the end of the year.
 - Judge Kelly will follow up with Judge Shaughnessy to determine if there is anything additional WINGS will need to do now that WINGS is an official Judicial Council committee.

New & Ongoing Projects**Utah Code 75-5-301.5 (HB 320 – Guardianship Bill of Rights)**

Topic Summary – The Forms committee amended and/or created several forms to coincide with the new Utah Code 75-5-301.5. The timeline did not allow the committee to seek input from other groups, including WINGS, before the forms were put into circulation. However, WINGS has been asked to review the documents and provide feedback and suggestions, to ensure they meet the needs of the new statute and are user-friendly for court patrons.

The WINGS Executive Committee held a special hybrid meeting with available WINGS stakeholders in May to start this process. It was determined that while there are some advantages to having one form cover many different situations, ultimately, it was more confusing and difficult to use. The group decided that splitting the forms into 2-3 categories would make more sense.

New drafts of the forms were created, based on this feedback, and sent to WINGS stakeholders in advance of the June meeting.

Discussion

Draft 1a – Motion to Review a Guardianship or Conservatorship

- On #3, it might help to add language to make clearer for pro se individuals what is meant by “review the continuing need for the guardianship or conservatorship, including the authority and limitations of the guardian or conservator.”
- On #3, another option is to remove the language starting “...including the authority and limitations of the guardian or conservator.” Then, on #4, add the option, “I ask for this review because of a change in the protected person’s capacity.”
- On #7 and #8 (request for a Court Visitor and request for an attorney), rather than a statement, these items should have a checkbox to signify a request, as well as a place to indicate the reasoning for the request(s).

Draft 1b – Motion to Terminate a Guardianship or Conservatorship

- This form should include an area for appointing an attorney, similar to what is seen on 1a. An attorney may not be needed in all cases, but it should be an option for times when it is needed or required (as supported by Utah Codes 75-5-306 and 75-5-307).
- On #3, add language to clarify or give examples for what is meant by “the protected person is no longer incapacitated.”
- It might make more sense to split this form further, separating minors from adults.

Draft 2 – Motion to Change Accounting Report Requirements

- Provide in the form allowed reporting period frequencies (e.g., 3 months, 6 months, 12 months), rather than leaving it open-ended.
- Utah Code 75-5-312(4)(a) has the list of items to be included in an annual report. This list could be added to the form, with a space to indicate a request that these requirements be modified as follows.
- Add to the top of the form/header, add a place for an interested party to make this request.

Draft 3a – Financial Accounting

- WINGS created this draft document last year and sent it to the Forms committee for review. The Forms committee lost track and it has not yet been reviewed.
- The *current* Financial Accounting form was amended at the same time as these other forms, to include additional provisions about size of the estate and Trusts.
- It is unclear how to incorporate the requirements for an informal report into a formal court form. The statutes on informal versus formal reports are not clear, as they do not differentiate between the information required in both.
- On #3, add language that indicates that compensation for a guardian or conservator must be previously approved by the judge.
- Include a place to add the names of accounts, to make it easier for later review.

Decisions Made

- Stakeholders should send to Shonna by the end of the month any additions, revisions, or language suggestions to add to the forms.
- Shonna will incorporate those suggestions into the drafts and provide updated copies to stakeholders for review.
- Brant Christensen will reach out to the Elder Law section on informal accounting reports - what they think an informal report means, what it includes or does not include, etc.
- WINGS will look more closely at the requirements for an informal financial accounting form as a separate project.

Utah Code 75-5-303

- Due to time constraints, discussion on this topic is deferred to the August meeting.

Other Business

- GSP “Sandbox” project - Deferred to the August meeting.
- Guardianship for School Purposes - Deferred to the August meeting.

Action Items

Rules 1-205 and 3-421

- Follow up with Judge Shaughnessy to determine if there is anything additional WINGS will need to do now that WINGS is an official Judicial Council committee.

Judge Kelly

Utah Code 75-5-301.5

- Send to Shonna by the end of the month any additions, revisions, or language suggestions to add to the forms.

WINGS Stakeholders

- Incorporate those suggestions into the drafts and provide updated copies to stakeholders for review.

Shonna Thomas

- Reach out to the Elder Law section on informal accounting reports - what they think an informal report means, what it includes or does not include, etc.

Brant Christensen

Deferred / Continuing Items

- Project Updates
 - Rule 6-501
 - Rule 6-507
- Utah Code 75-5-301.5 and new/revised forms
- Utah Code 75-5-303
- Informal vs. formal accounting forms
- GSP “Sandbox” project
- Guardianship for school purposes

Next Meeting(s):

August 18, 2022
October 20, 2022
December 15, 2022
February 16, 2023
April 20, 2023